

**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

February 24, 2015

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**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

February 24, 2015

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Gage at 6:30 p.m.

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, Delman, Gregorek, Mautz, and Ricci

Absent: Downs

OTHERS PRESENT: Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Senior Planner Batres, Associate Planner Mejia, Assistant City Engineer Lee, and Planning Secretary Romero

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Mautz.

ANNOUNCEMENTS

No one responded from the audience.

PUBLIC COMMENTS

Fausto Reyes, appeared and spoke in opposition of The Smoke shop located by Ontario Christian School. He distributed photographs of their signage and adult paraphernalia inside of the shop stating some of the products being sold and that are on display are impermissible in this zone.

Tim Hoekstra, Principal, Ontario Christian School, appeared and spoke in opposition of The Smoke shop.

Mr. Gregorek stated he was going to bring this matter about at the end of tonight's agenda.

Mr. Murphy stated he has the Code Enforcement Department on the case.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning Commission Minutes of January 27, 2015, approved as written.

- A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV14-023:** A Development Plan to construct 112 single-family homes on approximately 13.72 acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's.: 0218-201-05, 30, 42 and 45); **submitted by Brookfield Residential.**

No one responded.

PUBLIC TESTIMONY

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Gregorek, to approve the Planning Commission Minutes of January 27, 2015, as written. The motion was carried 6 to 0 with Downs absent.

File No. PDEV14-034. It was moved by Mautz, seconded by Gregorek, to approve the Development Plan pursuant to facts and reasons contained in the staff report. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried with 6 to 0 votes with Downs absent.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, AND VARIANCE REVIEW FOR FILE NO(S). PDEV14-028, PCUP14-013, and PVAR14-009:** A Development Plan to extend an existing 46-foot tall monopine to 58-feet, in conjunction with a Conditional Use Permit to operate the facility, and a Variance request to allow the telecommunication facility to exceed the height limit of 40 feet. The proposed project will be located within a 13' x 17' lease area, within the Bellevue Memorial Park, on the northeast corner of Benson Avenue and G Street, within the OS (Open Space) Zone. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Pursuant to the California Environmental Quality Act, staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APN 1010-241-02); **submitted by Verizon Wireless.**
- Planning Intern, Daniel Villa, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV14-028, PCUP14-013,

and PVAR14-009, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage and Mr. Villa discussed the size and type of other trees in the area.

Mr. Ricci questioned the location of the antenna.

Mr. Villa explained the monopine and enclosure locations.

Mr. Murphy stated the monopine will be placed where it currently exists. There will be a replacement of the existing antenna and the enclosure.

Mr. Gregorek asked when the existing tower was built.

Mr. Villa stated the existing tower was approved in 2007.

PUBLIC TESTIMONY

Ms. Sunshine Schupp, representative of Verizon Wireless, appeared and spoke in favor of the item. She stated Verizon Wireless will re-branch the monopine.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Mr. Gregorek stated he would like to see the monopine tapered.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Delman, to adopt the CEQA Determination and Mitigated Negative Declaration, Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0 with Downs absent.

It was moved by Willoughby, seconded by Gregorek, to adopt a resolution to approve the Development Plan, Conditional Use Permit, and Variance, subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0 with Downs absent.

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA15-001**: An amendment to the provisions of the Ontario Municipal Code Title 9 (Development Code) regarding the location and operation of massage establishments and the offering of massage services. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15060(c), as the project will not result in a direct or reasonably foreseeable indirect physical change in the environment; **City initiated. City Council action is required.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of File No. PDCA15-001,

pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gregorek inquired about the percentage of window coverage limits.

Mr. Murphy stated there are guidelines in the Development Code that addresses window coverage rules.

Mr. Willoughby asked who would carry out the inspections.

Mr. Murphy stated it could be a number of departments within the City to conduct inspections to ensure compliance.

Mr. Willoughby asked about State Certification policies.

Mr. Murphy stated within our existing ordinance we have a fairly extensive requirement for permitting. Since the State certification went into place, none have applied using the City process because it is actually much more extensive than the State certification processes.

Mr. Willoughby asked about the 300-foot separation of specific land uses.

Mr. Murphy stated there is nothing in the Legislation that limits the City, but the City has to show a reasonable basis for providing the number that is calculated. Staff felt comfortable with 300 feet without extensive backup. As the City gets in to larger set-backs, there will have to be more concrete basis and we have to be careful as we cannot consider a massage establishment as an adult business.

Mr. Willoughby asked if 300 feet seems to be the norm.

Mr. Murphy stated that looking at the Legislation, 300 feet seems to be a number that most are gravitating to.

PUBLIC TESTIMONY

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Ms. Mautz spoke about the article in the newspaper today about a massage parlor owner that was accused of 15 counts of human trafficking, promoting prostitution, and money laundering. This gives the City an opportunity to clean up some of these kinds of establishments and she is glad this has come to the Planning Commission to recommend to the City Council.

Mr. Gregorek asked about existing massage establishments.

Mr. Murphy stated in terms of the landuse regulations, there is little the City can do about any existing facilities so if they are already in place and operating, they can continue with

the legal non-conforming use.

Mr. Rice stated there may be certain aspects of a new ordinance that the City can enforce on current massage establishments in the City.

Mr. Gregorek asked if the City could conduct inspections on existing massage establishments.

Mr. Rice stated the City can use existing Code Enforcement authority to conduct inspections if there is reason to do so or any suspicion of the operation.

Mr. Willoughby asked if the existing employees of the massage establishments will have to meet the State guidelines for certification.

Mr. Murphy stated currently, the employees are required to have either State certification or a City of Ontario certification.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Ricci, to recommend adoption of a resolution to approve the Development Code Amendment, subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0 with Downs absent.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee did not meet.

Development Code Review (Ad-hoc): This subcommittee did not meet.

Zoning General Plan Consistency (Ad-hoc): This subcommittee did not meet.

New Business

Mr. Gregorek spoke about The Smoke Shop earlier discussed by Mr. Reyes and Mr. Hoakstra.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.


DIRECTOR'S REPORT

Mr. Murphy stated the Model Colony awards will take place on May 5, 2015 at the City Council meeting.

ADJOURNMENT

The meeting was adjourned at 7:24 p.m. Mautz motioned to adjourn, seconded by Delman.


Secretary Pro Tempore


Chairman, Planning Commission